

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

Matthew G. Cascioli,
Lauren M. Cascioli,

X
Case No 16-36317 (cgm)
Chapter 13

Debtor(s).

X

DEBTORS' AFFIDAVIT IN SUPPORT OF THEIR MOTION TO AVOID JUDICIAL LIENS ON REAL ESTATE PURSUANT TO 11 U.S.C. § 522(f) AND 11 U.S.C. § 105

STATE OF NEW YORK)
)
) ss:
COUNTY OF PUTNAM)

Matthew G. Cascioli, being duly sworn, hereby deposes and says:

1. I am a debtor in the above captioned Chapter 13 case.
2. I commenced this case on July 18, 2016, by filing a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code.
3. This Court has jurisdiction over this motion, filed pursuant to 11 U.S.C. §522(f) to avoid and cancel the judicial liens held by the Williamsburg Ridge Homeowners Association, Inc., A/K/A Board of Directors of Williamsburg Ridge Homeowners Association, Inc. on real property used as my principal residence, under 28 U.S.C. §1334.
4. My residence is located at 201 Williamsburg Drive, Mahopac, New York 10541. (Hereinafter "residence")
5. Upon filing of my bankruptcy case the Board of Directors of Williamsburg Ridge Homeowners Association, Inc. received notice of the filing. **EXHIBIT "A"**
6. Williamsburg Ridge Homeowners Association, Inc., A/K/A Board of Directors of Williamsburg Ridge Homeowners Association, Inc. recorded two judgments, which became judicial liens against my residence as follows:

Judgment of Williamsburg Ridge Homeowners Association, Inc. against Matthew Cascioli and Lauren P. Pietrolungo and filed with the Clerk of Putnam County N.Y. on February 11, 2015, in Index No. 5000025 in the amount of \$2,943.28; and

Judgment of Williamsburg Ridge Homeowners Association, Inc., against Matthew Cascioli and Lauren P. Pietrolungo and filed with the Clerk of Putnam County N.Y. on June 17, 2016, in Index No. 1400175 in the amount of \$6,854.14.

7. My residence had a value of (\$295,000.00) as of filing on July 18, 2016.
EXHIBIT "B"

11. The first mortgage associated with the property at the time of filing was held by Caliber home Loans in the amount of \$294,100.34 (Loan No. ending in 4270).
EXHIBIT "C"
12. My interest in the property referred to in the preceding paragraph and encumbered by the liens has been claimed as fully exempt in my bankruptcy case.
13. The total equity in the property, after the mortgage, but before judicial liens, is significantly less than the allowed exemption in the amount of \$331,000.
15. The existence of the Williamsburg Ridge Homeowners Association, Inc., A/K/A Williamsburg Ridge Homeowners Association, Inc. Board of Directors liens on said real property impairs exemptions to which I am entitled under 11 U.S.C. §522(b).
16. No prior application has been made for the relief requested herein.

WHEREFORE, your deponent requests an order of this Court:

1. Cancelling the judicial liens as follows:

Judgment of Williamsburg Ridge Homeowners Association, Inc., against Matthew Cascioli and Lauren P. Pietrolungo and filed with the Clerk of Putnam County N.Y. on February 11, 2015, in Index No. 5000025 in the amount of \$2,943.28; and

Judgment of Williamsburg Ridge Homeowners Association, Inc., against Matthew Cascioli and Lauren P. Pietrolungo and filed with the Clerk of Putnam County N.Y. on June 17, 2016, in Index No. 1400175 in the amount of \$6,854.14.

2. Directing the Clerk of Putnam County, New York to mark said liens as avoided, vacated and cancelled; and
3. For such other and further relief as the Court may seem just and proper.

Dated: Carmel, New York
October 31, 2017

/s/ Matthew G. Cascioli
Matthew G. Cascioli

Subscribed and sworn to before me this
31st day of October, 2017

/s/ Francis J. O'Reilly
FRANCIS J. O'REILLY
Notary Public, State of New York
Registration No. 02OR5014978
Qualified in Putnam County
Commission Expires July 12, 2019